

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Eastern Avenue, 1125 ft. E \* ZONING COMMISSIONER  
of Carroll Island Road \*  
11439 Eastern Avenue \* OF BALTIMORE COUNTY  
15th Election District \*  
5th Councilmanic District \* Case Nos. 93-271-A  
Anthony Portera, et ux \*  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property located at 11439 Eastern Avenue in the Essex/Middle River section of Baltimore County. Within the Petition, the property owners seek relief from Sections 409.8.A.2 and 409.8.A.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non durable dustless surface driveway which is not permanently striped, in lieu of the required durable, dustless permanently striped surface. Also, relief is sought from Section 238.2 of the B.C.Z.R. to permit a side yard setback of 10 ft. in lieu of the required 30 ft. All of the relief is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing were the Petitioners/property owners, Anthony Portera and Evelyn Portera. Also appearing was Joseph Larson, the engineer who prepared the plan. There were no Protestants present.

Testimony and evidence presented was that the subject site is a narrow, yet deep, lot which is located on Eastern Avenue. The tract is .753 acres (+/-) in gross area. It is predominantly zoned B.R. (.74 acres) however, there is a small portion zoned D.R.5.5 (.013 acres).

The property is presently improved by a structure which fronts Eastern Avenue and is located on the north side of the property. Previously, the structure was used as a dwelling, however, the Petitioners propose reconverting the use on this property to a beauty salon. The salon is permitted as of right in a B.R. zone.

As to the variances, the variance from Section 238.2 of the B.C.Z.R. is necessary to legitimize an existing condition. Specifically, there exist a distance of 10 ft. from the west side of the structure to the property line. The regulations require a 30 ft. side yard setback. Clearly, it would constitute a practical difficulty upon the Petitioners if the strict setback was maintained. Specifically, the structure would have to be relocated elsewhere on the site. Further, the lot in and of itself is narrow and clearly cannot meet the side yard setbacks with the present building. That is, the lot is but 77 ft. wide which would permit structure of only 17 ft. in width if strict 30 ft. side yard setbacks were observed on both sides. For these reasons, it is clear that the variance from Section 238.2 should be granted.

The second variance relates to the driveway and proposed parking for the site. As the plan notes, the site is located within the Chesapeake Bay Critical Area. Further, Mr. Larson testified that the Department of Environmental Protection and Resource Management (D.E.P.R.M.) prefers a non-impervious surface so as to prevent storm water runoff. In fact, Mr. Larson noted at the hearing that the variances are supported by D.E.P.R.M. so that development of the site would comply with the Chesapeake Bay Critical Area requirements.

For these reasons, I am persuaded that the variance should be granted. Clearly, the environmental concerns outweigh the need for strict adherence to the zoning regulations.

It is also to be noted that the Petition enjoys significant support from the surrounding community. Several letters in support of the Petition were received, including one from The Essex-Middle River Chamber of Commerce.

As has been often stated, a variance may be granted only upon the Petitioner showing that strict compliance with the regulations would result in practical difficulty or undue hardship. The test to be applied to any variance request is fully set forth in Section 307 of the B.C.Z.R. In this case, based on the uncontradicted testimony, I am persuaded that the Petitioner has met its burden and the variance should be granted. It is also to be noted that the plan has received approval under the development process, pursuant to Petitioners' Exhibit No. 2, an approved site plan. Mr. Larson noted that during this project approval, landscaping issues were addressed by the County's Landscape Architect. Therefore, I shall not require that an additional landscape plan be submitted to the Office of Planning and Zoning, in that this issue has been resolved during the development process.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of March, 1993 that a variance from Sections 409.8.A.2 and 409.8.A.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non durable dustless surface driveway which is not

permanently striped, in lieu of the required durable, dustless permanently striped surface, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 238.2 of the B.C.Z.R. to permit a side yard setback of 10 ft., in lieu of the required 30 ft., all in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The development of the site shall be in accordance with the site plan submitted and pursuant to the recommendations from the Department of Environmental Protection and Resource Management (D.E.P.R.M.), as it relates to the Chesapeake Bay Critical Area legislation. That is, the property owners shall comply with any additional comments forthcoming from D.E.P.R.M.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING  
Date 3/24/93  
By M. Shrank

ORDER RECEIVED FOR FILING  
Date 3/24/93  
By M. Shrank

ORDER RECEIVED FOR FILING  
Date 3/24/93  
By M. Shrank

ORDER RECEIVED FOR FILING  
Date 3/24/93  
By M. Shrank

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-4386

March 23, 1993

Mr. and Mrs. Anthony Portera  
15 Mulrany Court  
Lutherville/Timonium, Maryland 21093

RE: Case No. 93-170-A  
Petition for Zoning Variance  
11439 Eastern Avenue

Dear Mr. and Mrs. Portera:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.  
cc: Mr. Joseph L. Larson  
Spellman, Larson and Associates  
105 W. Chesapeake Avenue  
Towson, Md. 21204



Petition for Variance  
to the Zoning Commissioner of Baltimore County

for the property located at 11439 EASTERN AVE  
which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8.A.2 and 409.8.A.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non durable dustless surface not permanently striped in lieu of the required durable dustless permanently striped surface.  
VARIANCE 1 - To permit a non durable dustless surface not permanently striped in lieu of the required durable dustless permanently striped surface.  
VARIANCE 2 - To permit a side yard setback of 10 ft in lieu of the required 30 ft. (for an existing Bldg).  
VARIANCE 1 - Due to the fact that the site is located within the CBCA the requirements prohibit the use of impervious paving and dictate the use of the porous paving as proposed.  
VARIANCE 2 - This situation is a pre-existing condition which would involve moving the existing building to meet the setback requirements.  
Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor: N/A  
(Type or Print Name)  
Signature: [Signature]  
Address: [Address]  
City: [City] State: [State] Zipcode: [Zipcode]  
Attorney for Petitioner: [Signature]  
(Type or Print Name)  
Address: [Address]  
City: [City] State: [State] Zipcode: [Zipcode]

Legal Owner(s): ANTHONY PORTERA  
(Type or Print Name)  
Signature: [Signature]  
EVELYN PORTERA  
(Type or Print Name)  
Signature: [Signature]  
15 MULRANY CT 752-5971  
LUTHERVILLE MD 21093  
Address: 105 W CHESAPEAKE AVE 823-3535  
City: [City] State: [State] Zipcode: [Zipcode]

ESTIMATED LENGTH OF HEARING: 1 hr  
The following date: [Date]  
All: [Signature]  
REVIEWED BY: [Signature] DATE: 3/8/93



SPELLMAN, LARSON & ASSOCIATES, INC.

SUITE 109 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
TEL (410) 823-3535  
FAX (410) 823-5215

DESCRIPTION FOR ZONING NO. 11439 EASTERN AVENUE, 15TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in the center line of Eastern Avenue at the distance of 1125 feet, more or less, measured along the center line of Eastern Avenue from the center line of Carroll Island Road and running thence and binding on the center line of Eastern Avenue North 62 Degrees 54 Minutes East 80.00 feet thence leaving the center line of Eastern Avenue and running South 5 Degrees 38 Minutes East 410.00 feet South 84 Degrees 38 Minutes West 80.00 feet and North 4 Degrees 48 Minutes West 380.47 to the place of beginning.

Containing 0.752 acres of land, more or less.

2/4/93



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1574 Date of Posting: 3/24/93  
Posted for: 11439  
Petitioner: Anthony & Evelyn Portera  
Location of property: 11439 Eastern Ave, 15th E. Carroll Isl. Rd.  
Location of Sign: [Address]  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 3/24/93  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 26, 1993

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb. 25, 1993.

Publisher

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 2/10/93 ACCOUNT: 88810100  
AMOUNT: \$ 40.00

RECEIVED FROM: [Signature]  
FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER  
[Signature]

111 West Chesapeake Avenue  
Towson, MD 21204

FEB 19 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-271-A (Item 279)  
11439 Eastern Avenue  
15th Election District - 5th Councilmanic  
Petitioner(s): Anthony Portera and Evelyn Portera  
HEARING: WEDNESDAY, MARCH 17, 1993 at 11:00 a.m. in Rm. 106, Office Building.

Variance to permit a non-durable dustless surface not permanently striped surface; and to permit a side yard setback of 10 feet in lieu of the required 30 feet (for an existing building).

*Carl Jablon*  
Arnold Jablon  
Director

cc: Anthony and Evelyn Portera  
Joseph L. Larson

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 5, 1993

Mrs. and Mrs. Anthony Portera  
15 Maitland Court  
Lutherville, MD 21093

RE: Case No. 93-271-A, Item No. 279  
Petitioners: Anthony Portera, et ux  
Petition for Variance

Dear Mr. and Mrs. Portera:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of points or provisions with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 8, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Maryland Department of Transportation  
State Highway Administration

O. James Lutzner  
Secretary  
Hail Kassoff  
Assistant

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.:

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

receipt

Amount: R0718150  
Number: 119,400,000

04040144MICHC  
PA 000121PM02-08-93 \$250.00

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: March 4, 1993

SUBJECT: 11439 Eastern Avenue

INFORMATION:

Item Number: 279  
Petitioner: Anthony Portera  
Property Size: [Blank]  
Zoning: B.R.  
Requested Action: [Blank]  
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Staff supports the Petitioners request subject to the following:

- Provide an enhanced landscape treatment between the applicant's property and the Asher property, as this site has a residential use. A landscape plan shall be submitted to the deputy director of the Office of Planning and Zoning prior to the issuance of any permits.
- The Petitioner has requested a variance to allow a non-durable dustless surface in accordance with critical area requirements. The plan indicates that the proposed drive will be narrower than the existing drive. We support this narrowed width provided the surface of the drive is constructed using materials in accordance with C.B.C.A. requirements.
- Note 10 on the plat accompanying this Petition should be removed, as a beauty salon is permitted as a matter of right in a B.R. zone.

Prepared by: *Jeffrey M. Long*  
Division Chief: *Carol L. Penno*  
PK/JL:lw

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: March 3, 1993

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #279  
Portera Property, 11429 Eastern Avenue  
Zoning Advisory Committee Meeting of February 22, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:rmp

PORTERA/GWRMP

*Rec'd 3/4/93*

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: March 16, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 279  
Anthony Portera Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 11439 Eastern Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Anthony and Evelyn Portera

APPLICANT PROPOSAL

The applicant has requested a variance from section 409.8.A.2 and 238.2 of the Baltimore County Zoning Regulations to permit a nondurable, dustless surface not permanently striped in lieu of the parking lot surface required in 409.8.A.2 and to permit a side yard setback of 10 ft. in lieu of the required 30 ft. for an existing building.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

RECEIVED  
MAR 16 1993  
ZONING OFFICE

Mr. Arnold E. Jablon  
March 16, 1993  
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot, parcel or property proposed to be developed, except that lots less than or equal to one acre each, and located in a subdivision approved after June 1, 1986 may contain impervious areas up to 25% of the lot" <Baltimore County Code, Section 26-433(e)>.

Finding: Without the standard pervious parking lot surface requested in Variance 1, total impervious surface would equal 19% of the parcel's area. Variance 1 is requested so that the development may comply with this regulation. Once the existing crusher run is removed and the porous driveway is installed, this regulation will be met.

2. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Finding: Drywells were installed at the downspouts last year during construction of the building. Therefore, this regulation has been met.

3. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, this regulation has been met.

4. Regulation: "For the alteration of forest or developed woodlands as delineated on the January, 1986 Baltimore County Forest and Developed Woodlands aerial photographs:

(1) No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced by afforestation on a 1:1 acreage basis. An additional 10% of the forest or developed woodland may be cleared provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced by 1.5 acres of afforestation.

Finding: While designated forest does exist on the property, no disturbance of this forest is proposed. Therefore, this regulation has been met.



Mr. Arnold E. Jablon  
March 16, 1993  
Page 3

#### CONCLUSION

This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

*J. James Dieter*  
J. James Dieter, Director  
Department of Environmental Protection  
and Resource Management

JJD:GES:tm

PORTERA/TXTTMM

93-271-14 3-17-93

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

MARCH 2, 1993

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ANTHONY PORTERA AND EVELYN PORTERA

Location: 11439 EASTERN AVENUE

Item No.: 279 (JLL) Zoning Agenda: FEBRUARY 22, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Jaffe*  
Planning Group  
Special Inspection Division

JP/KEED



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## Certificate of Zoning Approval

This will certify that the property and the improvements located at: 11439

EASTERN AVE.

Are properly zoned to permit the following USE or Business: BEAUTY SALON

Subject to the following CONDITIONS:

1) Proper application for and subsequent approval of a change of occupancy and/or a building permit for said USE or Business;

2) Other: THIS SITE HAS PROVISIONAL ZONING APPROVAL FOR THE

BEAUTY SALON USE SUBJECT TO THE GRANTING OF ZONING VARIANCE CASE 93-271-14  
(See attached copy of ZONING PERMIT APPLICATION #12-1115)

Zoning Designations and permitted uses are subject to change and therefore, in the

event that the subject property is not utilized for a period a year, this certificate is void and a

renewal MUST be requested.

Date: 3/1/93

Date

*Carl J. Jaffe*  
Director, Zoning Administration & Development Management

03780-000

*Please meet in my office  
93-271-14 JJD 3/1/93*

+ *Letlows*

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

Provisional Approval  
Permit No: 93-115

DATE: 2/19/93

LOCATION: 11439 Eastern Ave  
(Portera Property)

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions:  
(Please check appropriate box(es))

- ☒ Owner has filed for a public hearing, item # 279 (93-271-A)
- ☐ Owner must file for a public hearing within \_\_\_\_\_ days before the Zoning Commission requesting relief from all conflicts with the Baltimore County Zoning Regulations.
- ☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within \_\_\_\_\_ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that any of all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

*Carl J. Jaffe*  
DIRECTOR OF ZONING ADMINISTRATION  
AND DEVELOPMENT MANAGEMENT

I have read the above statement and I agree to abide by the decision of the Zoning Commission if applicable in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed \_\_\_\_\_  
Owner

(Please print clearly)  
Name ANTHONY PORTERA  
Address 11439 EASTERN AVE  
TOWSON, MD 21204  
Work Phone 470-3357  
Home Phone 470-3357

Signed \_\_\_\_\_  
Contract Purchaser

(Please print clearly)  
Name  
Address

Work Phone #  
Home Phone #

*JJD*  
Zoning Office Staff



SPELLMAN, LARSON  
& ASSOCIATES, INC.

SUITE 109 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
TEL (410) 823-3535  
FAX (410) 823-9215

February 10, 1993

Mr. Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County  
County Office Building  
Towson MD 21204

Re: Portera Property  
11439 Eastern Avenue  
Item No 279

Dear Arnold:

On behalf of the owner of the above-captioned project, Mr. Anthony Portera, I wish to make a sincere request of your office for consideration of an early Hearing date for the Zoning Variance Petition as identified above.

Our basis for making this request is extremely well founded based on the fact that the owner of the subject property has been put through an inordinate amount of delays in his pursuit of a Change of Occupancy Permit for the property.

In order to be brief and to the point: this matter involves a Change of Occupancy Permit that was applied for in the middle of December of 1992 to convert a residence to a Beauty Salon. At the outset the owner was led to believe that upon obtaining Agency approvals from the Bureau of Public Services and the Plans Review Office that the Permit could be issued immediately. The owner then finalized all site and building improvements and was prepared for his Permit issuance to open for business.

During the processing of the Permit the Bureau of Public Services required a DRC meeting at which time we learned from the Office of Zoning that a Zoning Variance would be required because previous commercial use of the property could not be documented.

RECEIVED  
FEB 16 1993  
ZONING OFFICE

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
Baltimore County  
County Office Building  
Towson MD 21204

SPELLMAN, LARSON & ASSO  
February 10, 1993  
Page: 2

Since the owner has been waiting for the resolution of this matter since the middle of December any assistance you could afford to schedule an early Hearing date would be greatly appreciated.

Very truly yours,

*Joseph L. Larson*  
Joseph L. Larson  
President

cc: Tony Portera



Essex-Middle River Chamber of Commerce

686-2233  
439 Eastern Boulevard  
Essex, Maryland 21221

February 19, 1993

Mr. Arnold Jablon, Director  
Zoning Administration and Development Management  
County Office Building (M.S. 1105)  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: 11439 Eastern Avenue

Dear Mr. Jablon:

We have reviewed the Petition for Variance for the property at 11439 Eastern Avenue. We have no objection with the proposed property use or with the changes necessary to obtain the commercial occupancy permit. We understand the proposed changes area as follows:

1. The front 1000 square feet on the first floor of the building is proposed to be utilized as a beauty salon.
2. The property is located within The Chesapeake Bay Critical Area and is restricted to 15% impervious surfaces; therefore a variance will be required to allow a porous surface in lieu of the required dustless and durable surface.
3. The required sideyard setback of 30 feet in a BR Business Roadside Zone will be variances to allow the existing structure to remain as it exists.

These changes seem reasonable, and appear to be within the spirit and intent of Baltimore County Zoning Regulations and Chesapeake Bay Critical Area Regulations. It is our understanding that both adjacent neighbors have no objection to this proposed project, related changes and zoning variances. We at the Essex Middle River Chamber of Commerce have no objection to this proposed project and try to promote an economic environment to attract new business to the area.

Very Truly Yours,

*Steven K. Broyles*  
Steven K. Broyles  
President

SKB/amb essexmidrcc/zon-cim2.cor

*Deige McHugan*  
11439 Eastern Ave  
470-335-4325

Arnold Jablon  
Zoning Admin. and Dev. Mgmt.  
Baltimore County  
County Office Bldg.  
Towson, Md., 21204

Re: 11439 Eastern Avenue

17, Feb., 1993

Dear Mr. Jablon:  
I have seen the plat that has been submitted to the Baltimore County Zoning Administration along with the Petition for Variance for the property at 11439 Eastern Avenue.

I am in good luck with the proposed property use in with the changes and also to obtain the commercial occupancy permit. I understand the changes as follows:

1. The front 1000 sq. ft. of the first floor of the building is to be used as a beauty salon.
2. The property is located within a "critical bay area," and as such is restricted in its use of impervious surface, setbacks, and therefore will be required to install a porous surface such as the one detailed on the submitted plat.
3. The driveway between B & D St. is to be waived in view of the fact that the situation is pre-existing and it would involve moving the building to meet the setback requirements.

These changes seem reasonable, and will receive no opposition from me. Sincerely,

Signature *Evelyn B. Portera*

Address *1501 Eastern Ave.*

Telephone *366-7747*

LEFT SIDE FACED

Arnold Jablon  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, Maryland, 21204

Re: Portera Property, 11439 Eastern Avenue  
ITEM #279

Dear Mr. Jablon,

I am writing this letter to request your consideration in a matter of great importance to me. In the summer of last year I purchased a property in the Bowley's Quarters area of Baltimore County with the intention of renovating the building and moving my hair salon business into the finished premises. The permits were obtained, the construction was completed and the building was given final approval for occupancy.

At this point I did not realize that a change of use of occupancy would be necessary to occupy the premises as a business. A few days later an inspector from the county arrived and closed down the operation until the proper paperwork could be secured. I immediately signed the services of a Towson engineering firm to facilitate any and all necessary plans, letters, filings, etc. to satisfy the county requirements. In the subsequent nine weeks I have tried to cooperate and comply with any and all restrictions that have been encountered and have just recently been informed that a variance would be required to gain access to the premises. This process has also begun, but the problem being that I have not been able to conduct business of any kind thereby creating a situation of undue hardship for myself and family.

In talking to my neighbors and local residents of the area, it appears that they are pleased with both the appearance and the intended use of the property and as such it would seem that opposition to the variance would be extremely minimal if at all. With this being the case, I would sincerely appreciate any consideration from your office in expediting the waiting period until the hearing date.

Thank you for your time and consideration.

Sincerely,

*Evelyn B. Portera*  
Evelyn B. Portera  
Property Owner

RECEIVED  
FEB 11 1993  
ZONING OFFICE

10, Feb., 1993

RECEIVED  
FEB 18 1993  
By *scj*

SPILLMAN LARSON & ASSOCIATES, INC.  
Suite 107 Jefferson Building  
105 West Chesapeake Avenue  
TOWSON, MARYLAND 21204

Phone 301-823-3535

TO MR. ARNOLD JABLON, DIRECTOR

ZONING ADMINISTRATION & DEV MGMT

BALTIMORE COUNTY

COUNTY OFFICE BLDG  
TOWSON MD 21204

# LETTER OF TRANSMITTAL

DATE	2/8/93	FILE NO.	92068
ATTENTION	MR. JOHN LEWIS		
MAIL	11439 EASTERN BLVD.		

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:  
☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications  
☐ Copy of letter ☐ Change order ☒ DOCUMENTS

COPIES	DATE	NO.	DESCRIPTION
3 ORIG	UNDATED	--	PETITION FOR VARIANCE
3	2/4/93	--	LEGAL DESCRIPTIONS
12	2/4/93	--	PLAT TO ACCOMPANY ZONING PETITION FOR VARIANCE
1	UNDATED	--	ZONING MAP -- NE 4-K
ORIG	2/8/93	--	\$250 CHECK FOR FILING FEE

THESE ARE TRANSMITTED as checked below:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> For approval            | <input type="checkbox"/> Approved as submitted    | <input type="checkbox"/> Resubmit _____ copies for approval   |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted        | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested            | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints        |
| <input type="checkbox"/> For review and comment  | <input type="checkbox"/>                          |   |

☐ FOR BIDS DUE \_\_\_\_\_ 19 ☐ PRINTS RETURNED AFTER LOAN TO US  
PLEASE PROCESS THE ATTACHED PETITION FOR A HEARING DATE AS SOON AS POSSIBLE.

REMARKS

POSSIBLE.

COPY TO: ANTHONY PORTERA

SIGNED:

JOSEPH LARSON

If enclosures are not as noted, kindly notify us at once.

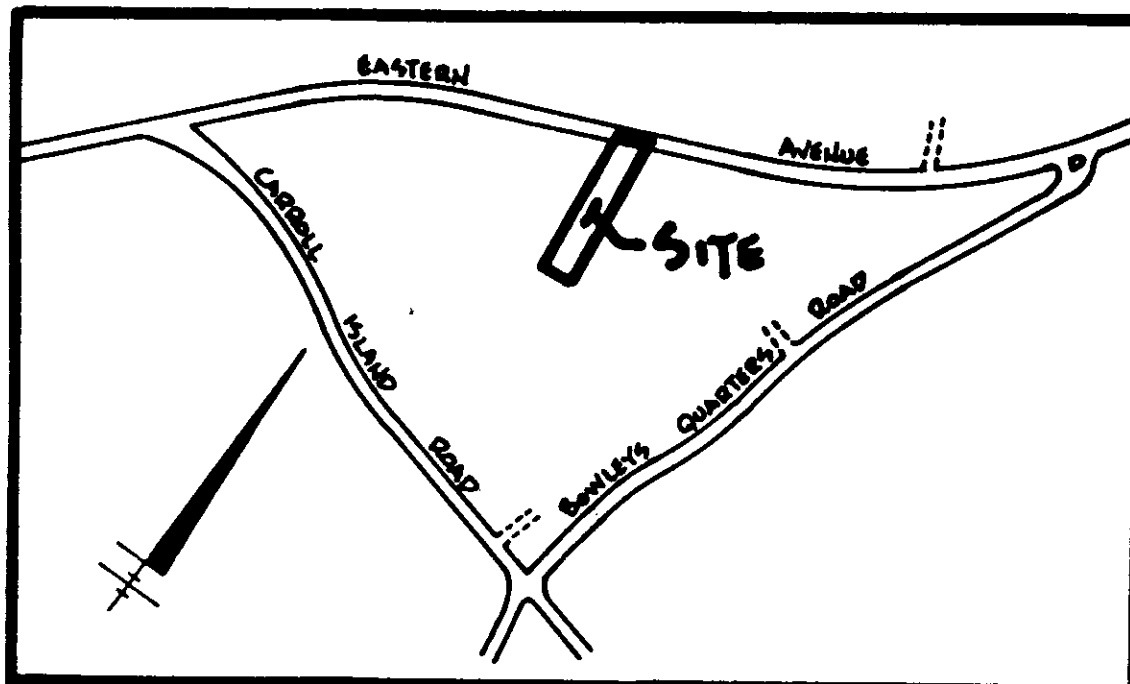
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SIGHT

NAME *JOSEPH LARSON*  
*EVELYN + ANTHONY PORTERA*

ADDRESS *105 W. CHESAPEAKE AVE.*  
*15 MULBERRY CT. #1013*





LOCATION MAP

### SITE DATA

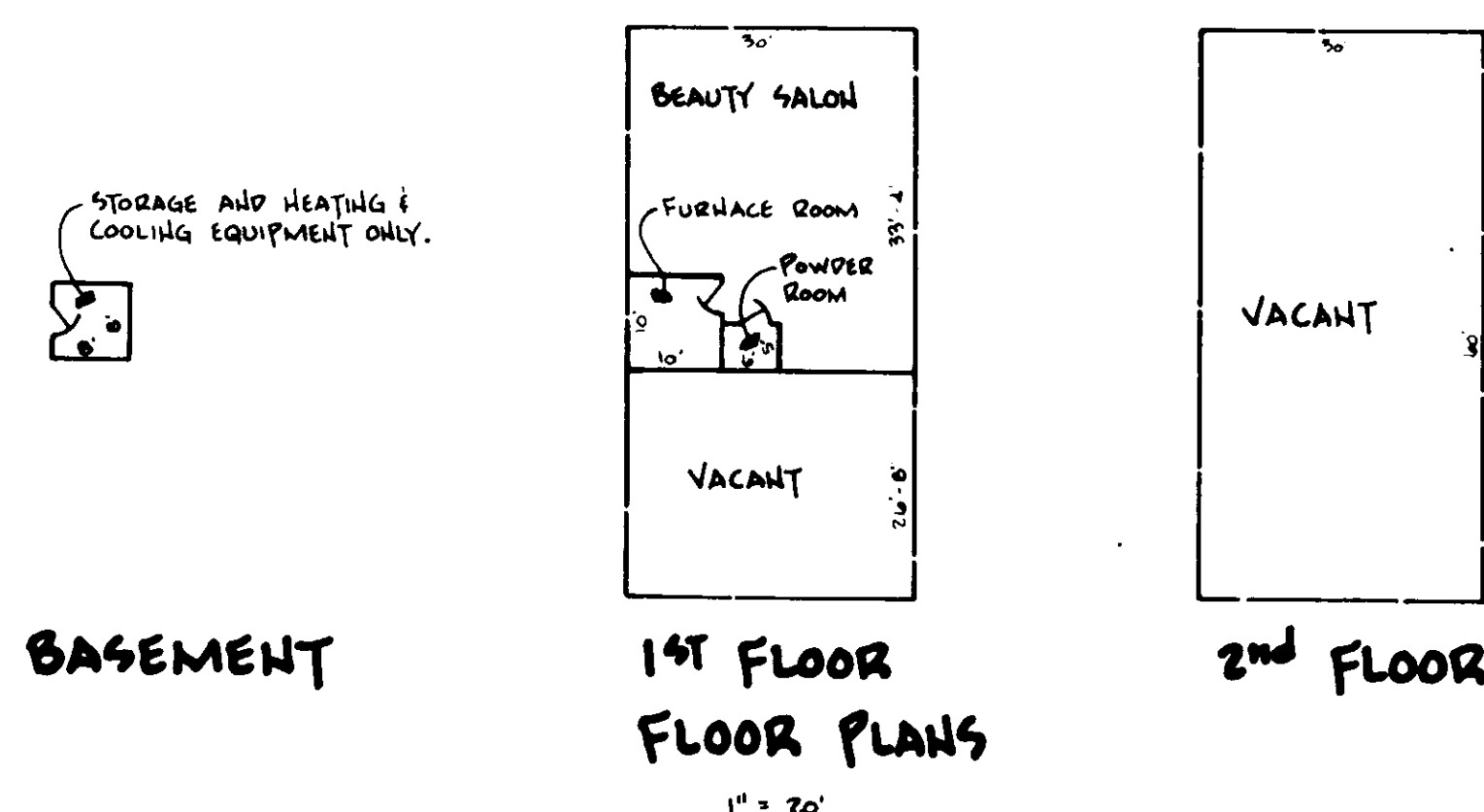
- PROPERTY ACREAGE: GROSS 0.759 AC. NET 0.707 AC.
- COUNCILMANIC DISTRICT: 5
- WATERSHED: 2
- SUBSEWERED: 11
- CENSUS TRACT: 451B.02
- EXISTING ZONING: BR 32.295 1/2 FT OR 0.140 AC.1 ZONING MAP 15-01-00000
- OWNER: ANTHONY & EVELYN PORTERA 15-01-00000

### GENERAL NOTES

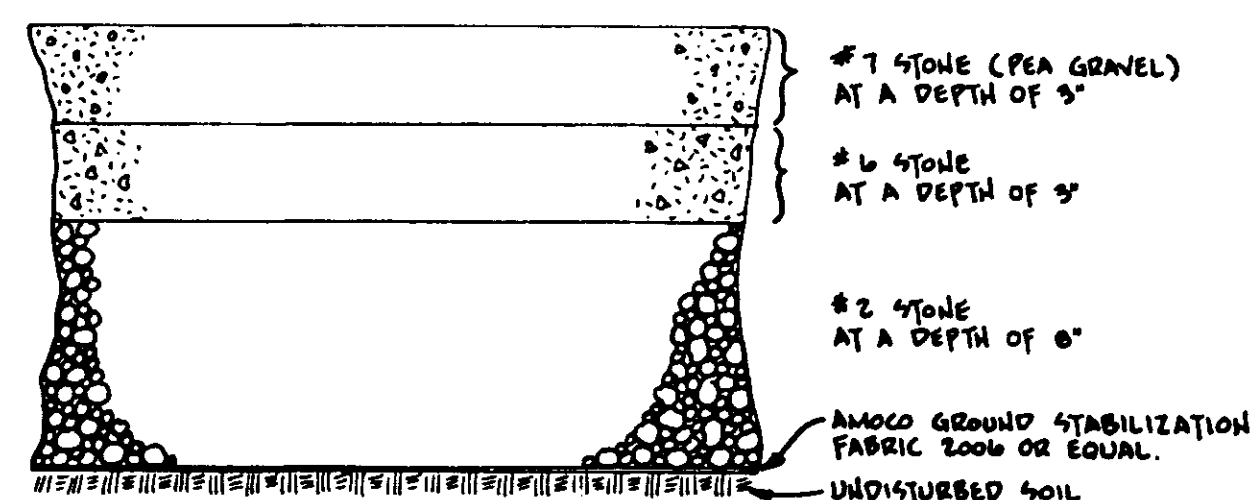
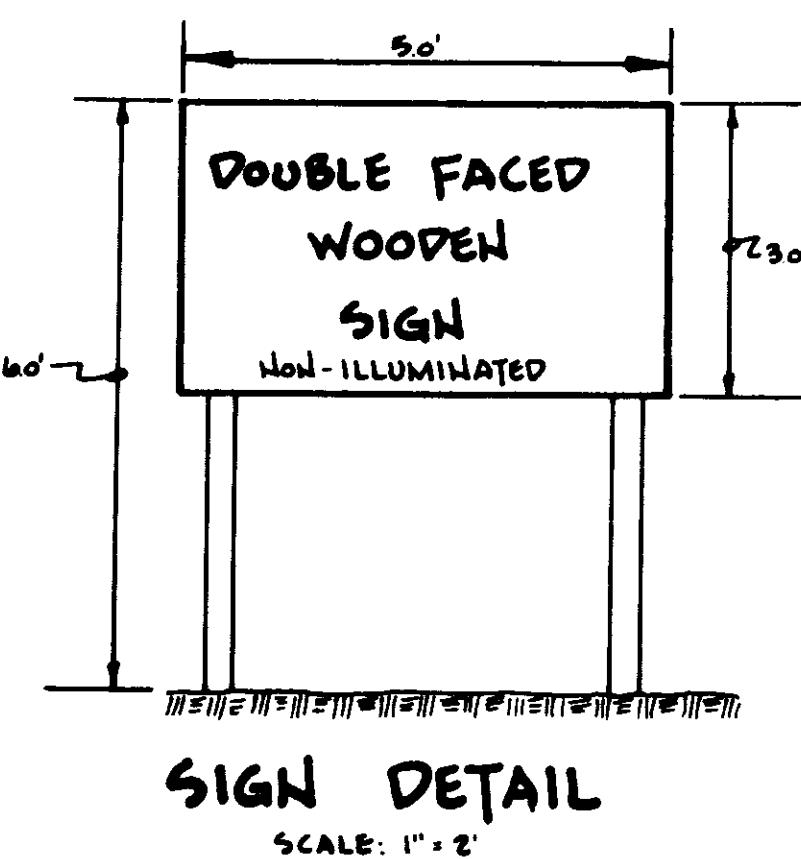
- THE PROPOSED DRIVEWAY AND PARKING AREA SHALL BE CONSTRUCTED OF A POROUS STONE SURFACE. (SEE DETAIL.)
- THE SUBJECT PROPERTY, OR ANY STRUCTURES LOCATED THEREON, IS NOT LOCATED ON THE HISTORICAL TRUST INVENTORY OF HISTORIC PROPERTIES, THE BALTO CO. PRELIMINARY OR FINAL LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHEOLOGICAL SURVEY, OR IDENTIFICATION OF ANY BALTO CO. HISTORIC DISTRICTS.
- THERE ARE NO HAZARDOUS MATERIAL SITES ON THE SUBJECT PROPERTY.
- EXISTING USE - VACANT PROPOSED USE - COMMERCIAL W/ VACANT AREA FOR FUTURE USE.
- THERE HAVE BEEN NO PREVIOUS VARIANCES, SPECIAL EXCEPTIONS, SPECIAL HEARINGS, CHESAPEAKE BAY CRITICAL AREA VARIATIONS, OR REQUESTS FOR VARIANCES FROM COUNTY REGULATIONS OR STANDARDS.
- THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON THE SUBJECT PROPERTY.
- NO LOCAL OPEN SPACE IS REQUIRED.
- AVERAGE DAILY TRIPS = 70/1000. BEAUTY SALON = 1.050 \* 1.05 = 70.5 ADTS.
- THERE ARE NO EXISTING COMMERCIAL FIRE RESISTANT STRUCTURES LOCATED WITHIN 100' OF EITHER SIDE LOT LINE OF THE SUBJECT PROPERTY.
- PRIOR TO ANY PROPOSED USE APPROVALS, A SPECIAL EXCEPTION ZONING HEARING TO ALLOW SUCH A USE IN A COMMERCIAL BUILDING MUST BE GRANTED.
- THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS, OR UNDERGROUND STORAGE TANKS ON THE SUBJECT SITE.
- FLOOR AREA RATIO 1,000 SQ FT (BEAUTY SALON) - 32.801 \* 3.03% = 0.029 AC.1 5,400 SQ FT (TOTAL BLDG AREA) - 32.801 \* 16.46% = 0.124 AC.1
- SITE IS LOCATED IN CHESAPEAKE BAY CRITICAL AREA.
- UTILITIES: SEWER - EXIST PUBLIC WATER - EXIST PUBLIC

### SOIL LIMITATION CHART

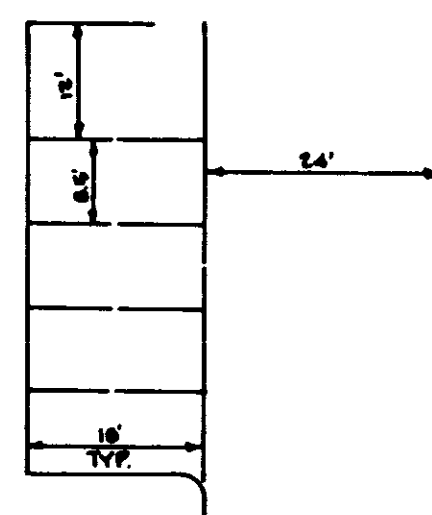
SYMBOL	NAME	WITH BASEMENT	WITHOUT BASEMENT	STREETS AND PARKING LOTS	TYPE
L1B	LESLOR	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE.	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE.	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE.	'D'
W1A	WOODSTOWN	MODERATE: MODERATELY HIGH WATER TABLE.	SLIGHT	MODERATE: MODERATELY HIGH WATER TABLE.	'C'



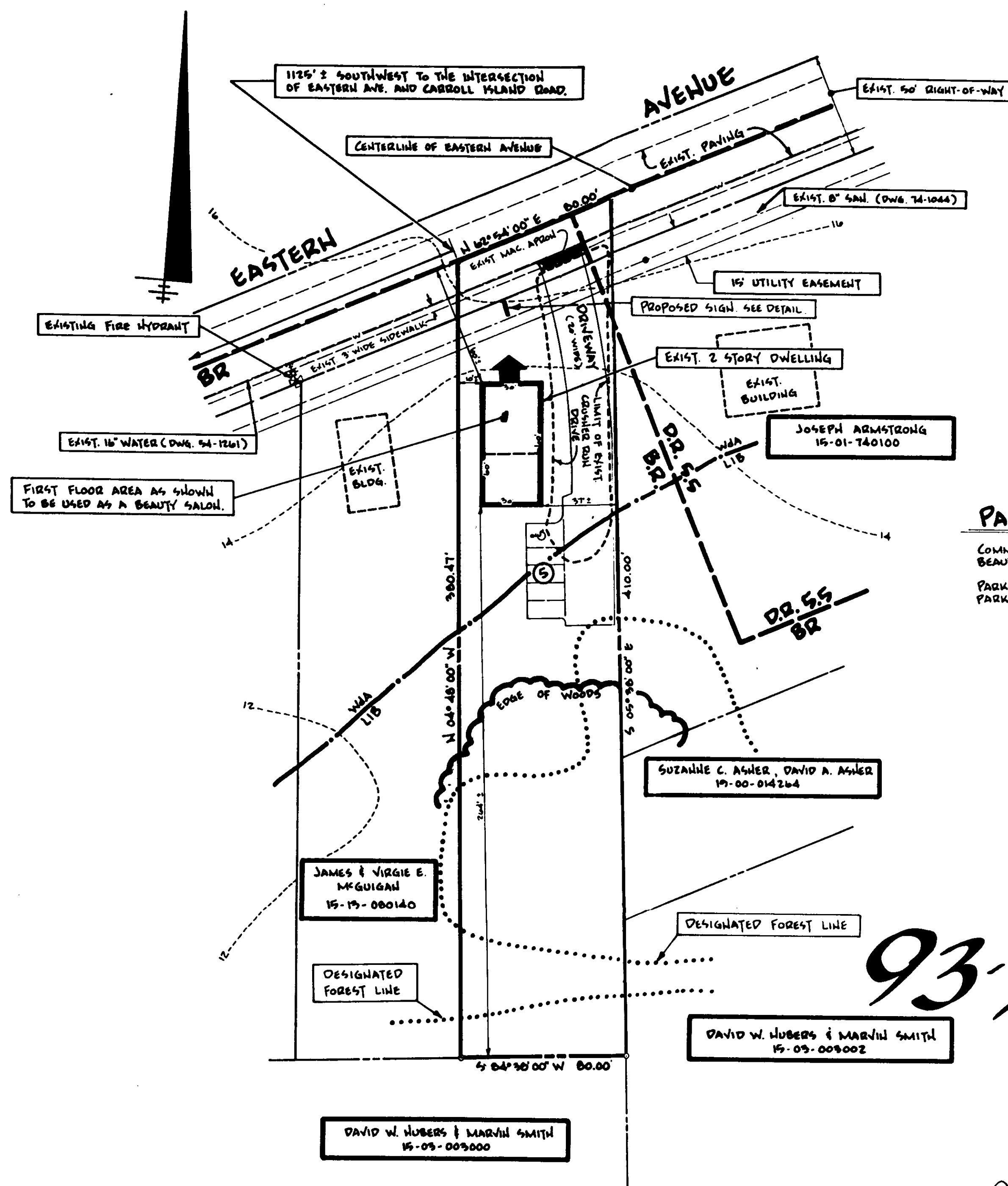
BASEMENT



POROUS STONE SURFACE DETAIL



PARKING & PAVING DIMENSIONS



### PARKING CALCULATIONS

COMMERCIAL FLOOR AREA = 1000 SQ. FT.  
BEAUTY SALON = 5 SPACES / 1000 SQ. FT.  
PARKING REQUIRED = 5 PARKING SPACES  
PARKING PROVIDED = 5 PARKING SPACES (INCLUDING 1 HANDICAP)

93-271-A

### BUILDING USE NOTE:

THE FRONT 1,000 SQ. FT. OF THE FIRST FLOOR OF THE EXISTING BUILDING WILL BE USED FOR THE OPERATION OF A BEAUTY SALON. THE REMAINING FIRST FLOOR AREA AND THE ENTIRE SECOND FLOOR WILL REMAIN VACANT, TO BE UTILIZED IN A FUTURE USE UNDER A SEPARATE PERMIT APPLICATION.

### PAVING NOTE:

THE EXISTING CRACKER RUN PAVING WILL BE REMOVED AND THE DRIVEWAY AND PARKING AREA WILL BE INSTALLED USING THE POROUS STONE SURFACE. DETAIL SHOWN HEREON.

### WETLANDS NOTE:

THERE ARE NO WETLANDS ON THE SUBJECT PROPERTY AS VERIFIED BY A FIELD INSPECTION BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCES MGMT.

### ZONING VARIANCE NOTE:

PARKING VARIANCE REQUEST: FROM SECTION 409 B.2.2 TO PERMIT A NON-DURABLE POROUS SURFACE BUT PERMANENTLY STRIPED IN LIEU OF THE REQUIRED DURABLE, PAVED, PERMANENTLY STRIPED SURFACE.  
SETBACK VARIANCE REQUEST: FROM SECTION 300 B.2.2.2 TO PERMIT A SIDE YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 20' (FOR ALL EXISTING BUILDINGS).

### LIMITED EXEMPTION NOTE:

LIMITED EXEMPTION GRANTED UNDER SECTION 20-171 (C)(7) PER MEETING 12/20/92.

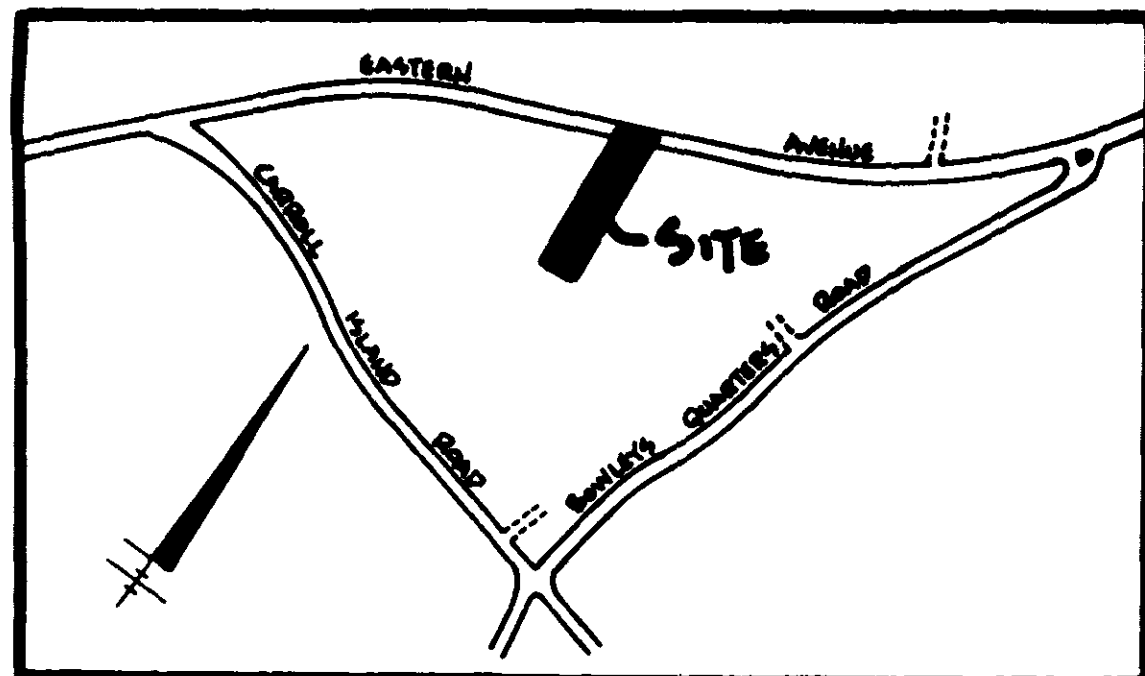
REVISIONS		
NO	DATE	DESCRIPTION
1	2-05-92	PER SUBMISSION MEETING COMMENTS

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204  
PHONE 823-3535

**OWNER INFORMATION**  
**ANTHONY & EVELYN PORTERA**  
15 MULBERRY COURT  
LUTHERVILLE, MD. 21093

**PLAT TO ACCOMPANY**  
**ZONING PETITION FOR VARIANCE**  
#11439 EASTERN AVENUE  
PORTERA PROPERTY  
ELECTION DISTRICT 15 BALTIMORE COUNTY, MD.

SCALE: 1" = 40'  
DATE: 02-1-93  
DES. BY: JMB.  
DRN. BY: JMB.  
SHT. 1 OF 1



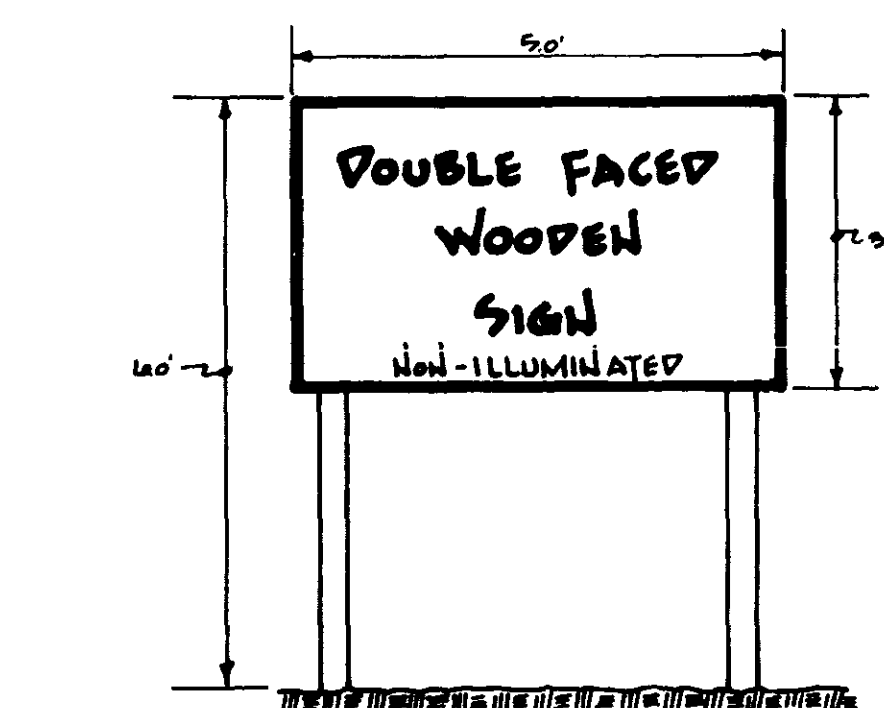
LOCATION MAP

### SITE DATA

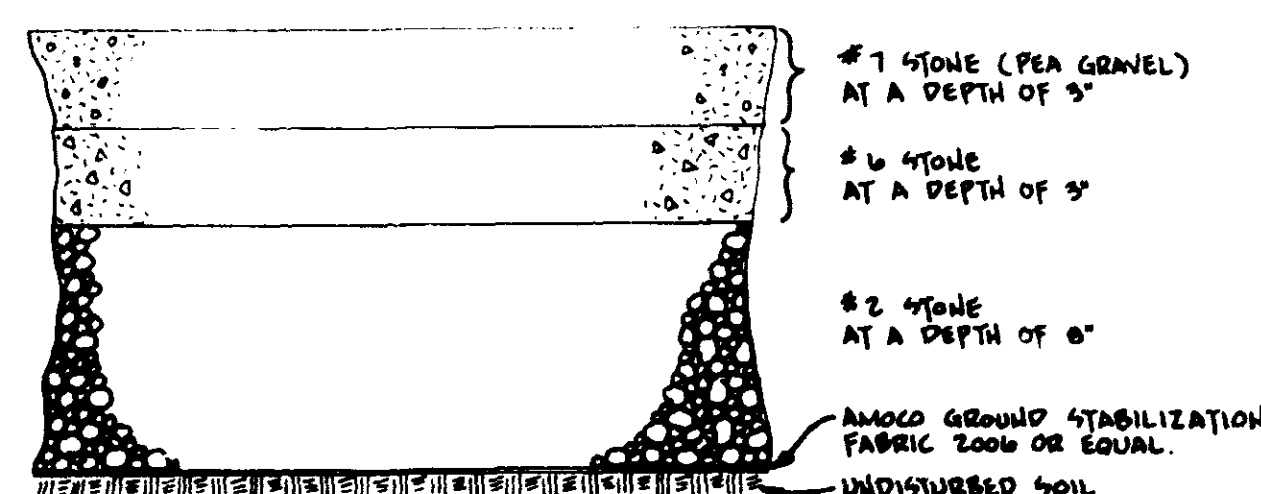
- PROPERTY ACREAGE: GROSS 0.753 AC.; NET 0.701 AC.
- COUNCILMANIC DISTRICT: 5
- WATERSHED: 2
- SUBSEWERSED: 11
- CENSUS TRACT: 4610.02
- EXISTING ZONING: BR - 32,395 SQ. FT. OR 0.740 AC.; ZONING MAP NO. 4-14 OR 95 - 950 SQ. FT. OR 0.019 AC.
- OWNER: ANTHONY & EVELYN PORTERA 15-01-920090

### GENERAL NOTES

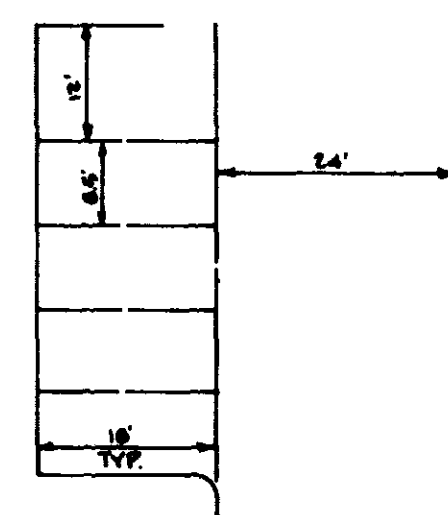
- THE PROPOSED DRIVEWAY AND PARKING AREA SHALL BE CONSTRUCTED OF A POROUS STONE SURFACE. (SEE DETAIL)
- THE SUBJECT PROPERTY, OR ANY STRUCTURES LOCATED THEREON, IS NOT LOCATED ON THE MD HISTORICAL TRUST INVENTORY OF HISTORIC PROPERTIES, THE BALTO. CO. PRELIMINARY OR FINAL LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHEOLOGICAL SURVEY, OR IDENTIFICATION OF ANY BALTO. CO. HISTORIC DISTRICTS.
- THERE ARE NO HAZARDOUS MATERIAL SITES ON THE SUBJECT PROPERTY.
- EXISTING USE = VACANT; PROPOSED USE = COMMERCIAL W/ VACANT AREA FOR FUTURE USE.
- THERE HAVE BEEN NO PREVIOUS VARIANCES, SPECIAL EXCEPTIONS, SPECIAL HEARINGS, CHEAPEAKE BAY CRITICAL AREA VARIATIONS, OR REQUESTS FOR VARIATIONS FROM COUNTY REGULATIONS OR STANDARDS.
- THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON THE SUBJECT PROPERTY.
- NO LOCAL OPEN SPACE IS REQUIRED.
- AVERAGE DAILY TRIPS = 70/1,000 sq. ft. BEAUTY SALON = 1,000 sq. ft. = 1.05 x 70 = 73.5 ADTS.
- THERE ARE NO EXISTING COMMERCIAL FIRE RESISTANT STRUCTURES LOCATED WITHIN 100' OF EITHER SIDE LOT LINE OF THE SUBJECT PROPERTY.
- PRIOR TO ANY PROPOSED USE APPROVALS, A SPECIAL EXCEPTION ZONING HEARING TO ALLOW SUCH A USE IN A COMMERCIAL BUILDING MUST BE GRANTED.
- THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS, OR UNDERGROUND STORAGE TANKS ON THE SUBJECT SITE.
- FLOOR AREA RATIO: 1,000 sq. ft. (BEAUTY SALON) ÷ 92,801 = 0.00108; 9,400 sq. ft. (TOTAL BLDG. AREA) ÷ 92,801 = 0.1013; 0.00108 + 0.1013 = 0.10238
- SITE IS LOCATED IN CHEAPEAKE BAY CRITICAL AREA.
- UTILITIES: SEWER - EXIST. PUBLIC; WATER - EXIST. PUBLIC.
- ANY SIGN WILL COMPLY WITH SECT. 413 OF THE B.C.Z.R. & OTHER ZONING POLICIES.
- ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- ALL LANDSCAPING WILL COMPLY WITH THE LANDSCAPE MANUAL.



SIGN DETAIL  
N.T.S.



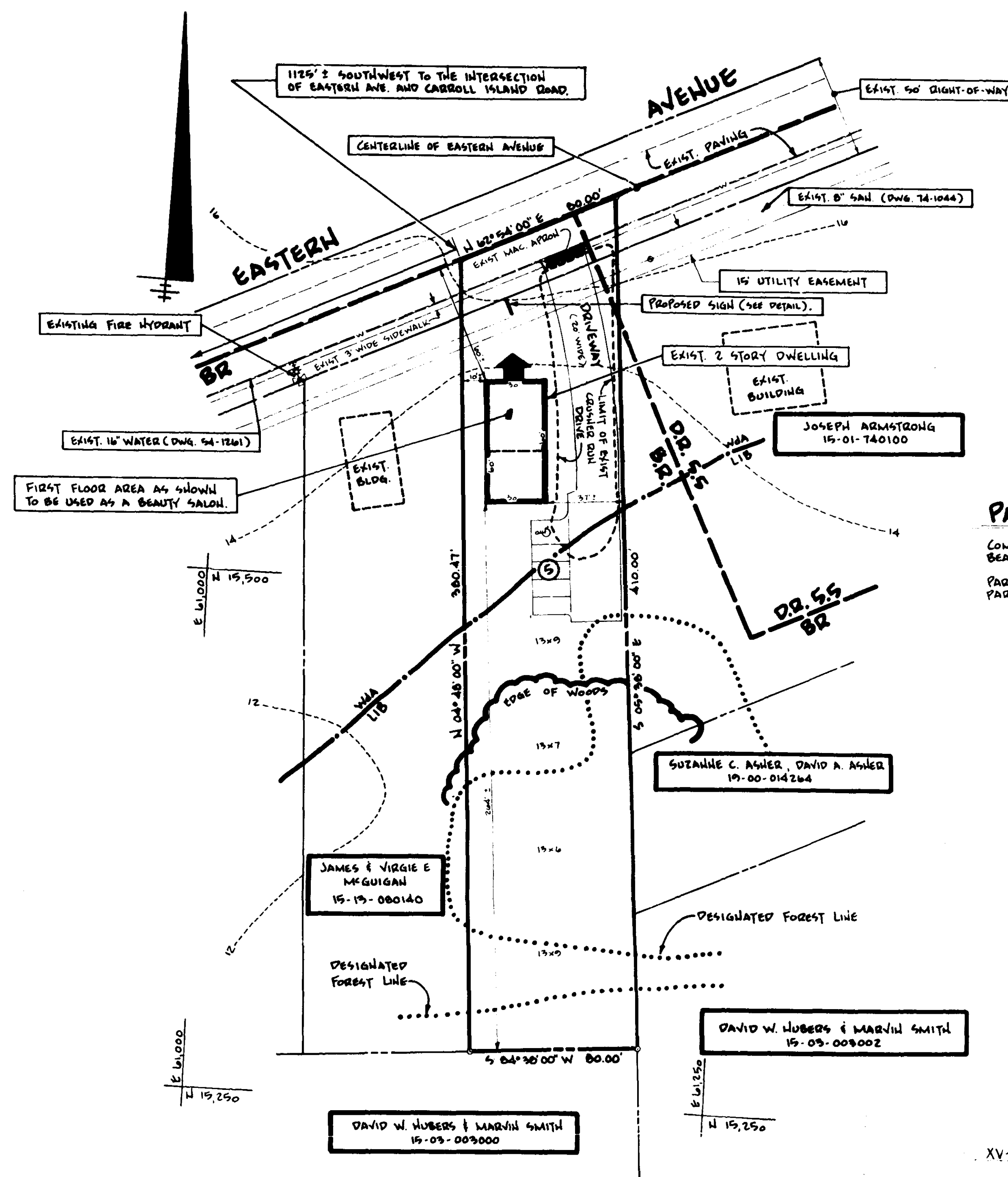
POROUS STONE SURFACE DETAIL



### PARKING & PAVING DIMENSIONS

NOTE: THE PARKING AREA WILL BE PERMANENTLY STRIPED.

SOIL LIMITATION CHART					
SYMBOL	NAME	WITH BASEMENT	WITHOUT BASEMENT	STREETS AND PARKING LOTS	TYPE
L10	LEWIS	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE.	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE.	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE.	'D'
W1A	WOODSTOWN	MODERATE: MODERATELY HIGH WATER TABLE.	SLIGHT	MODERATE: MODERATELY HIGH WATER TABLE.	'C'



### PARKING CALCULATIONS

COMMERCIAL FLOOR AREA = 1,000 SQ. FT.  
BEAUTY SALON = 5 SPACES / 1,000 SQ. FT.  
PARKING REQUIRED = 5 PARKING SPACES  
PARKING PROVIDED = 5 PARKING SPACES (INCLUDING 1 HANDICAP)

### BUILDING USE NOTE:

THE FRONT 1,000 SQ. FT. OF THE FIRST FLOOR OF THE EXISTING BUILDING WILL BE USED FOR THE OPERATION OF A BEAUTY SALON. THE REMAINING FIRST FLOOR AREA AND THE ENTIRE SECOND FLOOR WILL REMAIN VACANT, TO BE UTILIZED AS A FUTURE USE UNDER A SEPARATE PERMIT APPLICATION.

### PAVING NOTE:

THE EXISTING CROWDER RUN PAVING WILL BE REMOVED AND THE DRIVEWAY AND PARKING AREA WILL BE INSTALLED USING THE POROUS STONE SURFACE.

### WETLANDS NOTE:

THERE ARE NO WETLANDS ON THE SUBJECT PROPERTY AS VERIFIED BY A FIELD INSPECTION BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MGMT.

### ZONING VARIANCE NOTE:

PARKING VARIANCE REQUEST: FROM SECTION 400.8 A.2, TO PERMIT A NON-FLARE OUTLETS SURFACE NOT PERMANENTLY STRIPED IN LIEU OF THE REQUIRED DURABLE, OUTLETS, PERMANENTLY STRIPED SURFACE.

SETBACK VARIANCE REQUEST: FROM SECTION 400.8 B.C.Z.R. TO PERMIT A 4' SIDE YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 20' (FOR AN EXISTING BUILDING).

### LIMITED EXEMPTION NOTE:

LIMITED EXEMPTION GRANTED UNDER SECTION 20-171 (A)(1) FOR MEETING 12/10/98.

Joseph Y. Marano 2/25/93

REVISIONS		
NO.	DATE	DESCRIPTION
1	12-10-92	PER FIELD LOCATIONS
2	2-12-93	PER BUREAU OF PUBLIC SERVICES COMMENTS

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS AND LAND SURVEYORS  
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204  
PHONE 823-3535

**OWNER INFORMATION**  
**ANTHONY & EVELYN PORTERA**  
15 MULRANY COURT  
LUTHERVILLE, MD. 21093

**SITE PLAN**  
PLAT TO ACCOMPANY  
CHANGE OF OCCUPANCY PERMIT  
#11439 EASTERN AVENUE  
PORTERA PROPERTY  
ELECTION DISTRICT 15 BALTIMORE COUNTY, MD.

SCALE: 1" = 40'  
DATE: 12-14-92  
DES BY: JMS  
DRN BY: JMS  
SHT. 1 OF 1

92066



